IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.672 OF 2007

Shri Suresh Suna Vaghella ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.P.D.Pathan, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 22nd March, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant 1 is seeking bail in C.R. No.35 of 2006 of Ichalkaranji Police Station. The said C.R. is mainly under Sections 380, 454 of IPC.

3. The learned Advocate for the applicant has submitted that the investigation is over and the chargesheet is filed. He has stated that the applicant has been in custody for more than six months. He has further stated that it is not the prosecution case that the applicant had actually committed the theft. These statements are

admitted by the prosecution.

4. The learned APP has admitted that the applicant has not personally committed theft and he is only receiver of the stolen property. However, he has pointed out that the applicant is involved in other offences of similar nature. In view of the statement made by the learned APP the applicant cannot be convicted under Section 454 of IPC and the maximum sentence which can be imposed on the applicant for the offence punishable under section 411 of IPC is three years or fine. The applicant has already been in custody for over six months.

5. In this view of the matter, I am inclined to grant bail to the applicant.

6. The applicant to be released on bail in the sum of Rs.30,000/- with one or two sureties to make up the said amount. The applicant shall report to Ichalkaranji Police Station every alternate day for a period of six months and thereafter once in a week.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)